

## REMARKS

This paper is submitted in response to the pending Office Action mailed on January 4, 2007. Because this Response is electronically submitted with a Petition for a two month Extension of Time, a check for \$450.00 set forth under 37 C.F.R. §1.17(a)(2) and a certificate of electronic filing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **June 4, 2007**, this Response is timely filed.

### I. STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 6 were pending and at issue. By this Response, claims 1 and 3 to 6 have been amended, claim 2 has been canceled without disclaimer, and new claim 7 has been added to clarify the subject matter for which protection is sought.

The new claim 7 has been added to ensure clarity and consistency, and not to address any pending rejection or other statutory deficiency. Applicants submit that no additional claim fees are due in connection with this application. Thus, claims 1, 3 to 7 are pending and at issue in this application. Applicants expressly reserve the right to prosecute and argue the patentability of canceled claim 2 in one or more continuing applications.

While Applicants believe that no additional fees are due in connection with this application, Applicants direct the Office to charge **Deposit Account No. 23-1925 (09683-00164)** for any fees deemed owed during the pendency of this application, excluding the issue fee.

### II. CLAIMS REJECTIONS

The Office Action rejects: claims 1 to 6 under 35 U.S.C. §102 as anticipated by U.S. Published Patent Application No. 2003/0013458 to Yabe et al. ("Yabe").

Applicants respectfully traverse the rejection of claim 1 to 6 as anticipated<sup>1</sup> by Yabe. In particular, Yabe does not disclose an invention

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<sup>1</sup> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in

identical to the claimed systems and device, nor does it recite or teach each and every element set for in the claims 1 and 3 to 7. For example, amended independent claim 1 recites, in relevant part, a mobile communication network for providing to a mobile unit of a user under a contractual agreement with said mobile communication network a roaming service via another mobile communication network, and rejection means for determining presence of roaming identification information added to a data signal received from said mobile unit in said another mobile communication network, and for rejecting a request for content designated to not be transmitted to said mobile unit in said another mobile communication network, if the roaming identification information is determined to be present. In other words, the communication system administers a roaming system accessible by a mobile unit contractually connected to a mobile communication system and operating within another mobile communication system. Moreover, the communication system evaluates and rejects content requests from the mobile unit operating with said another mobile communication system, if said content request is directed to non-transmittable content.

*Yabe* does not disclose or suggest such a communications system. *Yabe* discloses a relay center and an information retrieval method for searching information on a network by using location information of a mobile station. *Yabe* does not disclose a roaming service; rather the communications or information retrieval methods of *Yabe* are between a first network and a second network in which roaming is not required. In other words, the user in *Yabe* appears to have a contractual agreement with both the first and second networks and/or be allowed access to said networks. Thus, Applicants submit that *Yabe* does not disclose a roaming service much less a pair of mobile communication networks communicatively connected via said roaming service.

*Yabe* is further silent regarding the rejection means for determining presence of roaming identification information added to a data signal received from said mobile unit in said another mobile communication network, and for

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the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). See MPEP 2131

rejecting a request for content designated to not be transmitted to said mobile unit in said another mobile communication network, if the roaming identification information is determined to be present. For example, because *Yabe* does not disclose a roaming service, there exists no reason and/or need for *Yabe* to provide roaming identification information. Moreover, *Yabe* does not disclose filtering or rejecting requests submitted by the communications or information retrieval methods in any manner, much less rejecting said requests based on content designations or other identification information.

For at least these reasons, Applicants submit that the *Yabe* does not anticipate and/or render obvious the subject matter recited in amended independent claim 1. Moreover, Applicants submit that for at least the same reasons set forth above *Yabe* does not anticipate and/or render obvious, at least, the rejection means of amended independent claim 3, and the detection means for detecting whether a data signal includes roaming identification information of amended independent claims 4 and 5. Furthermore, because amended dependent claim 6 depends from allowable amended independent claims 4 and 5, amended dependent claim 6 is similarly allowable.

### III. CONCLUSION

For the foregoing reasons, Applicant respectfully requests withdrawal of the pending rejections and submits that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,  
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